IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.4215 of 2008
DEEPAK KUMAR
Versus

THE STATE OF BIHAR
- - - -

4. 4.8.2008 Heard.

The allegation against the petitioner is that he stabbed the informant in his stomach. The injury report of the injured copied in paragraph 31 of the case diary would indicate that it was incised wound 3"X ½" communicating with perifical cavity with protruding gat coops and fresh bleeding. If this could not be a case under Section 307 of the Indian Penal Code then none could be.

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The contention is that the informant has now made statement by filing a petition before the court below indicating that he did not identify anybody. Much reliance on that part of the statement of the informant could not be placed as he had made statement earlier just after the incident which is the basis of the F.I.R. and which is supported by the medical report.

The petition is dismissed.

Kanth

(Dharnidhar Jha, J.)